

**Blumberg & Wolk, LLC**  
158 Delaware Street  
P.O. Box 68  
Woodbury, NJ 08096  
(856) 848-7472

*Counsel for Defendants Premier Orthopaedic and Sports Medicine Associates of Southern New Jersey, LLC, trading as Premier Orthopaedic Associates, Premier Orthopaedic Associates Surgical Center, LLC, Kimberly Yvette Smith, M.D., a/k/a Kimberly Yvette Smith-Martin, M.D., Thomas Dwyer, M.D., Rhaul Shah, M.D., John Catalano, M.D., Richard C. DiVerniero, M.D., and Richard Strauss, M.D.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS  
LIABILITY  
LITIGATION

THIS DOCUMENT RELATES TO:  
  
ALL CASES

MDL No. 2419  
Docket No. 1:13-md-2419 (RWZ)

---

**PREMIER ORTHOPAEDIC ASSOCIATES, ET AL'S RESPONSE TO COURT ORDER  
REQUIRING IDENTIFICATION OF CASES TO BE ADMINISTRATIVELY  
DISMISSED**

---

Defendants Premier Orthopaedic and Sports Medicine Associates of Southern New Jersey, LLC, trading as Premier Orthopaedic Associates, Premier Orthopaedic Associates Surgical Center, LLC, Kimberly Yvette Smith, M.D., a/k/a Kimberly Yvette Smith-Martin, M.D., Thomas Dwyer, M.D., Rhaul Shah, M.D., John Catalano, M.D., Richard C. DiVerniero, M.D., and Richard Strauss, M.D. (collectively, "Premier Defendants" or "Premier") hereby submit this Response to the Court's Order Requiring Identification of Cases Needing to be Dismissed [Dkt. 3527].

1. The cases involving the Premier Defendants listed in the attached **Schedule A** should be closed, as per this Court's *Suggestion of Remand or Transfer to the Joint Panel on Multi-state Litigation* [Dkt. 3052-1] they were remanded to the District Courts of New Jersey. In early 2017, many plaintiffs decided to dismiss their cases against the Premier Defendants, after which point only sixteen (16) cases remained. Subsequently these cases were remanded to their original state court venues, following which, all that persisted were transferred to Gloucester County for discovery and/or trial;
2. Second, the Premier Defendants propose that the matter of *Overstreet et al v. Premier Orthopaedic Associates Surgical Center, LLC et al* (1:14-cv-13760-RWZ) be administratively closed as the Premier Defendants understand the Plaintiffs in this case are unrepresented and have been so for an unknown amount of time, likely from early 2017 through present, if not earlier; for many months, the Plaintiffs have failed to prosecute this matter. Additionally, there is a Notice of Voluntary Dismissal filed in this case by Lisa S. Lee of Janet, Jenner & Suggs, PC on April 5, 2017 [Dkt. No. 27];
3. Finally, as to *Drain et al v. UniFirst Corporation a/d/b/a Cleanroom Services et al* (1:14-cv-13673-RWZ) and *Parkell et al v. UniFirst Corporation a/d/b/a UniClean Cleanroom Services et al* (1:14-cv-13640-RWZ), the Premier Defendants are currently in communication with counsel for the individual plaintiffs in these matters, and plaintiffs have agreed to dismiss these claims. Currently the parties are working toward finalizing the stipulations of dismissal for both matters.

WHEREFORE, the Premier Defendants respectfully request that the above-listed actions be administratively closed.

Dated: March 26, 2018

Respectfully submitted,

**Blumberg & Wolk, LLC**  
158 Delaware Street  
P.O. Box 68  
Woodbury New Jersey 08096  
(856) 848-7472  
cwolk@blumberglawoffices.com

/s/ Christopher M. Wolk  
Christopher M. Wolk, Esq.

*Attorneys for Premier Orthopaedic and Sports  
Medicine Associates of Southern New Jersey, LLC,  
trading as Premier Orthopaedic Associates, Premier  
Orthopaedic Associates Surgical Center, LLC,  
Kimberly Yvette Smith, M.D., a/k/a Kimberly Yvette  
Smith-Martin, M.D., Thomas Dwyer, M.D., Richard  
C. DiVerniero, M.D., and Richard Strauss, M.D.*

**CERTIFICATE OF SERVICE**

I certify that in submitting this *RESPONSE*, I caused a copy of the above to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's System, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: March 26, 2018

/s/ Christopher M. Wolk  
Christopher M. Wolk, Esq.

## SCHEDULE A

<b>Caption</b>	<b>Docket</b>
<i>Akers, et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13910-RWZ
<i>Askins et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13905-RWZ
<i>Bacigalupo et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13962-RWZ
<i>Baird et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13946-RWZ
<i>Bane et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13599-RWZ
<i>Bazikos et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13163-RWZ
<i>Bolton et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13904-RWZ
<i>Burrell et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13958-RWZ
<i>Campbell, Clinton et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13916-RWZ
<i>Campbell, Fritz et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13909-RWZ
<i>Chambers et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-11822-RWZ
<i>Dersch et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13164-RWZ
<i>Devilli et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:13-cv-11167-RWZ
<i>Effendian et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:13-cv-11233-RWZ
<i>Federico et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13956-RWZ
<i>Fisher et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13601-RWZ
<i>Garcia et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-14084-RWZ
<i>Goff et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13913-RWZ
<i>Gonzalez et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13949-RWZ
<i>Gould et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:13-cv-10444-RWZ
<i>Guzman et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:12-cv-12208-RWZ

<i>Hannah et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:13-cv-10407-RWZ
<i>Headly et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:15-cv-10258-RWZ
<i>Hermens et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13945-RWZ
<i>Hollywood et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13951-RWZ
<i>Jones, Meagan et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:13-cv-10409-RWZ
<i>Jones, Preston et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13907-RWZ
<i>Kirby et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13960-RWZ
<i>Leaverton et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:13-cv-10408-RWZ
<i>Letizia et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:13-cv-10442-RWZ
<i>Marko et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:13-cv-10404-RWZ
<i>McBride et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-14152-RWZ
<i>McCoy et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13911-RWZ
<i>Morell et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13961-RWZ
<i>Normand et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:13-cv-10447-RWZ
<i>Pennington et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:13-cv-10406-RWZ
<i>Ramos et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13957-RWZ
<i>Rios et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:13-cv-10411-RWZ
<i>Rivera et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13943-RWZ
<i>Roagers et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13915-RWZ
<i>Santiago et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13959-RWZ
<i>Schwab et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13914-RWZ
<i>Shannon et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13555-RWZ
<i>Snead et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-11821-RWZ

<i>Stech et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13952-RWZ
<i>Styles et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13953-RWZ
<i>Tayvinsky et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:13-cv-10414-RWZ
<i>Tisa et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:13-cv-10446-RWZ
<i>Toletti et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:13-cv-10413-RWZ
<i>Trout et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13954-RWZ
<i>Warfle et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13908-RWZ
<i>West et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:14-cv-13165-RWZ
<i>Zavacki et. al. v. inter alia Premier Orthopaedic Associates, et.al.</i>	1:13-cv-10441-RWZ